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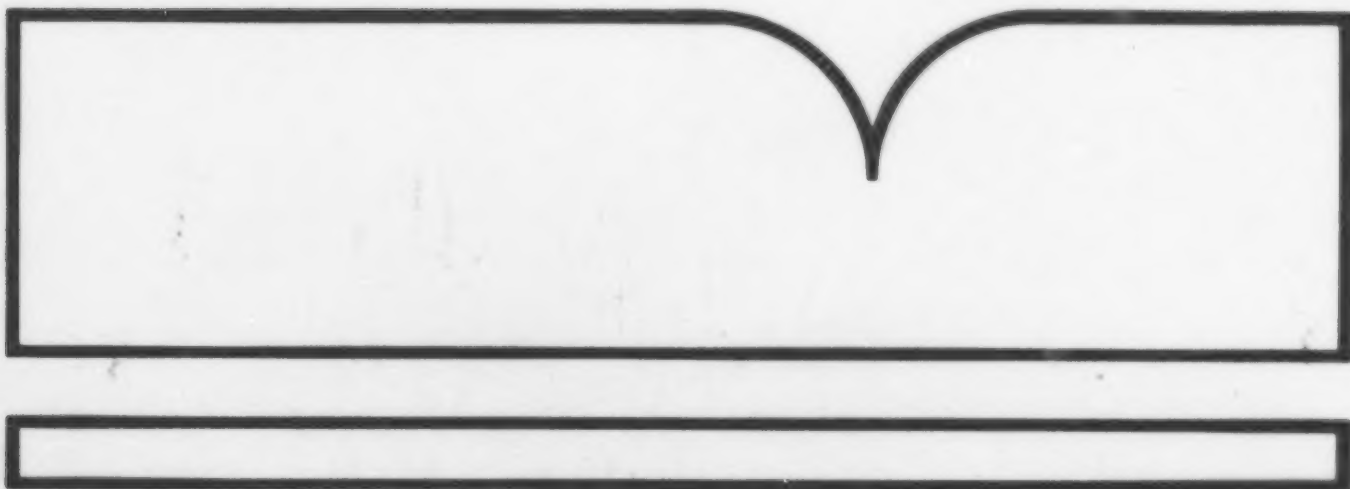
Regulations and Non-Regulatory Revisions to
State Implementation Plan: District of Columbia

Atlantic Environmental Associates, Inc.
Waltham, MA

Prepared for

Environmental Protection Agency
Research Triangle Park, NC

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Regulations and Non-Regulatory Revisions to State Implementation Plan: District of Columbia

By

**Atlantic Environmental Associates, Inc.
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Contract No. 68-02-3565

EPA Project Officer: Willis P. Beal

Prepared for

**U.S. ENVIRONMENTAL PROTECTION AGENCY
Control Programs Development Division
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711**

July 1981

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16. ABSTRACT This document has been produced in compliance with Section 110(h) of the Clean Air Act, as amended in 1977, which mandates periodic publication of State Implementation Plan (SIP) requirements. The first section of the document comprises the Federally approved SIP regulations. It consists of the EPA-approved State and/or local air pollution control regulations cited by reference in the <u>Federal Register</u>; regulations promulgated as of August 1, 1981 have been included in this document. The present compilation constitutes an update of a previous documentation of regulations as of July 1, 1979. State and/or local air quality regulations which have not been Federally approved as of August 1, 1981, are not included. However, any omissions of regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations. A summary sheet of the regulatory revisions is provided to give a quick historical assessment of the changes. The second part of the document contains the text of non-regulatory SIP revisions approved by EPA up to August 1, 1981, excluding notices or certifications of public hearings and technical support data. A complete tabulation of these revisions is also provided.		
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This report has been reviewed by the Control Programs Development Division of the Office of Air Quality Planning and Standards, EPA, and approved for publication. Mention of trade names or commercial products is not intended to constitute endorsement or recommendation for use. Copies of the entire document are available for inspection and copying at EPA Headquarters (401 M Street SW, Washington, DC 20460), EPA's Office of Air Quality Planning and Standards (Room 826, 411 West Chapel Hill Street, Durham, NC 27701), and the appropriate EPA Regional Offices. Documents containing only the regulatory portions of each State Implementation Plan may be ordered for a nominal fee from the National Technical Information Services, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

PREFACE

This document has been produced in compliance with Section 110(h) of the Clean Air Act, as amended in 1977, which mandates periodic publication of State Implementation Plan (SIP) requirements. The first section of the document comprises the Federally approved SIP regulations. It consists of the EPA approved State and/or local air pollution control regulations cited by reference in the Federal Register; all regulations Federally promulgated as of August 1, 1981 have been included.

The present compilation constitutes an update of a previous documentation of regulations as of July 1, 1979.* State and/or local air quality regulations which have not been Federally approved as of August 1, 1981 are not included. However, any omissions of regulations from this document in no way affects the ability of the respective Federal, State or local agencies to enforce such regulations.

This document is not intended to provide a tool for determining the enforceability of any given regulation. Rather, it is intended to provide a comprehensive compilation of those regulations which are incorporated by reference into Title 40, Part 52, of the Code of Federal Regulations (CFR). The exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation in this document does not, in itself, render the regulation enforceable by either the State or EPA.

The regulations have been organized in this document according to the official State/local agency format. However, since State air quality regulations vary widely in their organization, content, and language, a standardized subject index has been added. The index listings consist of both pollutant and activity oriented categories to facilitate usage. For example, regulations which apply to copper smelters may be found under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State are not included herein but can be found under Title 40 Code of Federal Regulations, Part 52.

Additionally, a summary sheet of the regulatory revisions is included to provide a quick historical assessment of the changes. These summary sheets contain the date of submittal to EPA of each revision and the Federal Register publication date on which the revision was approved by EPA. A brief description of the regulation which was submitted is also included.

In accordance with the Act, the second part of the document contains non-regulatory SIP revisions approved by EPA up to August 1, 1981. All approved non-regulatory revisions listed under Identification of Plan in the CFR are included except notices or certifications of public hearings, and technical support data. Non-regulatory submittals which have only received EPA approval on selected elements are included in their entirety with an accompanying indication of the status of Federal actions on the non-approved elements. The non-regulatory revisions have been organized in this document

* Regulations and Non-Regulatory Revisions to State Implementation Plan: District of Columbia, EPA-450/2-80-015, prepared under Contract 68-02-3388, July 31, 1980.

according to the date of publication of EPA approval in the Federal Register. For historical completeness, a complete tabulation of these revisions is provided at the beginning of this second section.

SUMMARY OF
EPA-APPROVED REGULATORY REVISIONS TO DISTRICT OF COLUMBIA SIP
BETWEEN JULY 1, 1979 AND JULY 31, 1981

Publication of Approval	Submittal Date	Page	Document Description
01/04/80	12/27/78	45FR1025	Amendments to 8-2:704 (Allowable Sulfur Content in Fuel Oil) and 8-2:705 (Allowable Sulfur Content in Coal) of the District's Air Quality Control Regulations.
03/03/80	12/27/78	45FR13731	Amendments to Sections 8-2:702 (Definition Changes), 8-2:708 (Performance Testing), 8-2:713 (Visible Emissions), 8-2:718 (Emission Testing), 8-2:726 (Penalties) of the District's Air Quality Control Regulations, and Section 6-812(a)(5) (Penalties) of the District of Columbia's Air Quality Control Act.
08/20/80	-	45FR55422	Correction to 01/04/80 Federal Register Notice stating that it was the intent of the administrator to approve the acted upon regulations only until 12/31/80. No submittal.
01/30/81	12/27/78	46FR9948	Amendments to Sections 8-2:704 and 8-2:705 of Air Quality Control Regulations deleting requirements of sulfur content limit of 0.5% submitted by Mayor Walter E. Washington.

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Section 8-2:701. PURPOSE AND SCOPE

Purpose. The purpose of this regulation is to prevent or minimize emissions as defined herein into the atmosphere and thereby protect and enhance the quality of the District's air resources so as to promote the public health and welfare of the people of the District of Columbia, and to enhance and improve the environment.

Scope. This regulation shall apply to all operations in the District, including Federal operations, where consistent with the terms of the Clean Air Act (42 U.S.C. Sections 1857 to 1857 l), as amended, and regulations promulgated thereunder, the District of Columbia Air Pollution Control Act (D.C. Code, § 6-811 to 6-813), and Executive Order No. 11507, February 4, 1970 (35 F.R. 2573) entitled, "Prevention, Control, and Abatement of Air and Water Pollution at Federal Facilities".

Section 8-2:702. DEFINITIONS.

As used in this regulation, the following terms shall have the meaning ascribed unless the context clearly indicates a different meaning:

Act: The District of Columbia Air Pollution Control Act (82 Stat. 458; D.C. Code, § 6-811 to 6-813; Public Law 90-440).

Air Pollutant: Dust, fumes, gas, mist, smoke, vapor, odor, particulate matter, or any combination thereof, except that such term shall not include uncombined water in the atmosphere unless it presents a safety hazard.

Air Pollution: The presence in the outdoor atmosphere of one or more air pollutants in sufficient quantities and of such characteristics and duration as are likely to be injurious to public welfare, to the health of human, plant or animal life, or to property, or which interferes with the reasonable enjoyment of life and property.

Air Quality Standard of the District of Columbia: The primary or secondary ambient air quality standard adopted by the Commissioner, and approved by the Environmental Protection Agency of the United States (EPA).

Commissioner: The Commissioner of the District of Columbia, or his designated agents.

Control Device: Any device which has as its primary function the control of emissions from fuel burning, refuse burning, or from a process, and thus reduces the creation of, or the emission of, air pollutants into the atmosphere, or both.

Distillate Oil: Any oil that meets the specifications of the American Society for Testing and Materials for No. 1 and No. 2 grades of fuel oil (ASTM Publication 0396-69 Standard Specifications for Fuel Oils).

District: The District of Columbia.

Dry Cleaning Operation: The process by which an organic solvent is used in the commercial cleaning of garments and other materials.

Emission: The act of releasing or discharging air pollutants into the outdoor atmosphere from any source.

Episode Stage: A level of air pollution in excess of the ambient air quality standard which may result in an imminent and substantial danger to public health or welfare. This term shall include alert, warning, and emergency stages.

Existing Source: Equipment, machines, devices, articles, contrivances, or installations which are under construction or in operation on the effective date of this regulation, except that any existing equipment, machine, device, article, contrivance, or installation which is altered, replaced, or rebuilt after the effective date of this regulation shall be defined as a new source.

Fossil Fuel: Natural gas, petroleum, coal, and any form of solid, liquid, or gaseous fuel derived from such materials.

Fossil Fuel Fired Steam Generating Unit: A furnace or boiler, or combination of furnaces or boilers connected to a common stack, used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

Fuel Burning Equipment: Any furnace, boiler, apparatus, stack, and all appurtenances thereto, used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer.

Fugitive Dust: Solid, airborne particulate matter emitted from any source other than through a stack.

Gasoline: Any petroleum distillate having a Reid vapor pressure of four (4) pounds or greater.

Incinerator: Any furnace used in the process of burning solid waste for the primary purpose of reducing the volume of the waste by removing combustible matter.

Loading Facility: Any aggregation or combination of gasoline loading equipment which is both (1) possessed by one person, and (2) located so that all the gasoline loading outlets for such aggregation or combination of loading equipment can be encompassed within any circle of 300 feet in diameter.

Malfunction: Any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation, or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions.

Modification: Any physical change in, or change in the method of operation of, a stationary source which increases, or decreases the amount of any air pollutant emitted by such facility, or which results in the emission of any air pollutant not previously emitted, except that such term shall not include the following:

- (a) Routine maintenance, repair, replacement;

- (b) An increase in the production rate, if such increase does not exceed the operating design capacity of the affected facility;
- (c) An increase in hours of operation, if such increase does not exceed the operating design capacity of the facility;
- (d) Use of an alternative fuel or raw material if, prior to the date any standard under this part becomes applicable to such facility, the affected facility is designed to accommodate such alternative use.

Multiple Chamber Incinerator: Any incinerator consisting of three or more refractory lined combustion chambers in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned. The combustion chamber shall include as a minimum, one chamber principally for ignition, one chamber principally for mixing, and one chamber for combustion.

New Source: Equipment, machines, devices, articles, contrivances, or installations built or installed on or after the effective date of this regulation, or existing at such time which are later altered, repaired, or rebuilt. Any such equipment, machines, devices, articles, contrivances, or installations, moved to a new address, or operated by a new owner, or a new lessee, after the effective date of this regulation, shall be considered a new source.

Odor: The property of an air pollutant which affects the sense of smell.

Opacity: The degree to which emissions reduce the transmission of light or obscure the view of an object in the background.

Organic Solvents: Volatile organic compounds which are liquids at standard conditions, and which are used as dissolvers, viscosity reducers, or cleaning agents.

Particulate Matter: Any finely divided material which exists as a liquid or solid under standard conditions, with the exception of uncombined water.

Person: Includes individuals, firms, partnerships, companies, corporations, trusts, associations, organizations, or any other private or public entities.

Photochemically Reactive Solvent: Any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, as applied to the total volume of solvent.

- (i) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones having an olefinic or cycloolefinic type of unsaturation: five percent;
- (ii) A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: eight percent;
- (iii) A combination of ethylbenzene or ketones having branched hydrocarbon structures, trichloroethylene or toluene: twenty percent.

Process: Any action, operation, or treatment of materials, including handling and storage thereof, which may cause the discharge of an air pollutant or pollutants, into the atmosphere, excluding fuel burning and refuse burning.

Process Weight: The total weight in pounds of all materials introduced into any specific process.

Process Weight Per Hour: The process weight divided by the number of hours in one complete operation, excluding any time during which equipment is idle.

Ringelmann Smoke Chart: The chart published and described in the United States Bureau of Mines Information Circular 8333.

Shutdown: The cessation of operation of a stationary or other source for any purpose: Except, that for oil-fired fuel-burning equipment, shutdown shall be the period starting with the continuous action of turning down and/or pulling out burners for the sole purpose of shutting down the equipment and ending with the time when all burners have been turned off or pulled out.

Smoke: Small gas-borne particles resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon, ashes, or other combustible material.

Solid Waste: Refuse, more than 50 percent of which is waste consisting of a mixture of paper, wood, yard wastes, food wastes, plastics, leather, rubber, and other combustibles, and noncombustible materials such as glass and rock.

Source: Any property, real or personal, which emits or may emit any air pollutant.

Stack: Any chimney, flue, conduit, or duct arranged to conduct emissions to the outdoor atmosphere.

Standard Conditions: A dry gas temperature of 70° Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute.

Start-up: The setting in operation of a stationary or other source for any purpose: Except, that for fuel-burning equipment, start-up shall mean a period from initial fire to the time steam can be delivered in usable form to steam-using equipment.

Stationary Source: Any building, structure, facility, or installation which emits or may emit air pollutants.

Submerged Fill Pipe: Any fill pipe, the discharge opening of which is entirely submerged when the liquid level is 6 inches above the bottom of the tank. This term shall also include, when applied to a tank which is loaded from the side, a fill pipe adequately covered at all times during normal working of the tank.

Volatile Organic Compounds: Any compound containing carbon and hydrogen or containing carbon and hydrogen in combination with any other element which has a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions.

Section 8-2:703. ABBREVIATIONS. As used in this regulation, the following abbreviations shall have the meaning described below:

B.T.U. - British thermal unit.
cal. - calorie(s).
CO - Carbon Monoxide.
g. - gram(s).
lb. - pound(s).
No. - number.
% - percent.
NO₂ - Nitrogen Dioxide.
SO₂ - Sulphur Dioxide.
hr. - hour(s).
ppm - parts per million.
Hi-Vol. - high volume samples.
CoH_s - coefficient of haze.
ug/m³ - microgram(s) per cubic meter.
° - degree.
max. - maximum.
U.L. - Underwriters Laboratories located at
207 East Ohio Street
Chicago, Illinois 60611

Section 8-2:704. USE OF CERTAIN FUEL OILS FORBIDDEN.

No person shall purchase, sell, offer for sale, store, transport, use, cause the use of, or permit the use of, fuel oil which contains more than 1% sulfur by weight in the District, if such fuel oil is to be burned in the District.

{After October 1, 1978, the sulfur content of such fuel oil shall not exceed 0.5% by weight.}*
100.2

Section 8-2:705. USE OF CERTAIN COAL FORBIDDEN.

No person shall purchase, sell, offer for sale, store, transport, use, cause the use of, or permit the use of coal which contains more than 1% sulfur by weight in the District, if such coal is to be burned in the District. {On and after October 1, 1978, the sulfur content of such coal shall not exceed 0.5% by weight:}* Provided, that when the Commissioner certifies in writing that the combustion-gas-desulfurization system used at a stationary source results in sulfur oxide emission no greater than the emissions normally results in sulfur oxide emission no greater than the emissions normally resulting from the burning of coal with 1% sulfur content {and, after October 1, 1978, the sulfur content

*The deletion of the bracketed sections is approved by EPA until December 31, 1980.

of such coal shall not exceed 0.5% sulfur content,)* coal of a higher sulfur content may be burned at such stationary source. Application for a certification shall be made in writing to the Commissioner by the owner or operator of such stationary source and, upon presentation to a seller of such certification, a copy of which shall be retained by the seller, the sale, purchase, and transportation of such coal shall be permitted.

Section 8-2:706. NITROGEN OXIDE EMISSIONS.

- (a) Designation of Affected Facilities. This section shall apply to fossil fuel-fired steam generating units of more than 100,000,000 B.T.U. per hour heat input.
- (b) Standard of Nitrogen Oxides. No person shall discharge, or cause the discharge into the atmosphere of nitrogen oxides in excess of the emission limits set forth hereinafter in Appendix No. 3.

Section 8-2:707. CONTROL OF ORGANIC COMPOUNDS.

- (a) Storage of Petroleum Products. A person shall not place, store or hold in any stationary tank, reservoir or other container of more than 40,000 gallons capacity any gasoline or any petroleum distillate having a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions, unless such tank, reservoir or other container is a pressure tank maintaining working pressures sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere, or is designed and equipped with one of the following vapor loss control devices in good working order and in operation.
 - (1) A floating roof, consisting of a pontoon type or doubledeck type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and tank wall. The control equipment provided for in this paragraph shall not be used if the gasoline or petroleum distillate has a vapor pressure of 11.0 pounds per square inch absolute or greater under actual storage conditions. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.
 - (2) A vapor recovery system, consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place.

*The deletion of the bracketed sections is approved by EPA until December 31, 1980.

- (3) Other equipment of equal efficiency, provided such equipment is submitted to and approved by the Commissioner.

- (b) Volatile Organic Compounds or Gasoline Loading into Tank Trucks, Trailers and Railroad Tank Cars. A person shall not load volatile organic compounds or gasoline into any tank truck, trailer, or railroad tank car from any loading facility unless such loading facility is equipped with a vapor collection and disposal system or its equivalent in good working order and in operation. When loading is effected through the hatches of a tank truck, trailer, or railroad tank car with a loading arm equipped with a vapor collecting adaptor, a pneumatic, hydraulic or other mechanical means shall be provided to force a vapor-tight seal between the adaptor and the hatch. A means shall be provided to prevent liquid drainage from the loading device when it is removed from the hatch of any tank truck, trailer, or railroad tank car, or to accomplish complete drainage before such removal.

When loading is effected through means other than hatches, all loading and vapor lines shall be equipped with fittings which make vapor-tight connections and which close automatically when disconnected.

The vapor disposal portion of the system shall consist of one of the following:

- (1) A vapor-liquid absorber system with a minimum recovery efficiency of 90 percent by weight of all the hydrocarbon vapors and gases entering such disposal system.
- (2) A variable vapor space tank, compressor, and fuel gas system of sufficient capacity to receive all hydrocarbon vapors and gases displaced from tank trucks, trailers and railroad tank cars being loaded.
- (3) Other equipment of at least 90 percent efficiency, provided such equipment is submitted to and approved by the Commissioner.

- (c) Volatile Organic Compounds or Gasoline Transfer Vapor Control.

- (1) No person shall transfer volatile organic compounds or gasoline from any delivery vessel into any stationary storage container with a capacity greater than 250 gallons unless such container is equipped with a submerged fill pipe and unless the displaced vapors from the storage container are processed by a system that prevents release to the atmosphere of no less than 90 percent by weight of organic compounds in said vapors displaced from the stationary container location.

- (A) The vapor recovery portion of the system shall include one or more of the following:
 - (i) A vapor-tight (dry break) vapor return line from the storage container to the delivery vessel and system that will ensure that the vapor return line is connected before gasoline can be transferred into the container.
 - (ii) Refrigeration-condensation system or equivalent designed to recover no less than 90 percent by weight of the organic compounds in the displaced vapor.
 - (B) If a "vapor-tight vapor return" system is used to meet the requirements of this section, the system shall be so constructed as to be adapted to retrofit with an absorption system, refrigeration-condensation system, or equivalent vapor removal system, and so constructed as to anticipate compliance with Section 8-2:707 (d).
 - (C) The vapor-laden delivery vessel shall be subject to the following conditions:
 - (i) The delivery vessel must be so designed and maintained as to be vapor-tight at all times.
 - (ii) The vapor-laden delivery vessel may be refilled only at facilities equipped with a vapor recovery system or the equivalent which can recover at least 90 percent by weight of the organic compounds in the vapor displaced from the delivery vessel during refilling.
- (2) The provisions of this paragraph (c) shall not apply to the following:
- (A) Any container having a capacity less than 2,000 gallons installed prior to promulgation of this paragraph; provided, however, said containers are equipped with submerged fill pipes.
 - (B) Transfer made to storage tanks equipped with floating roofs or their equivalent.
- (3) Compliance Schedule:
- Every owner or operator of a stationary storage container or delivery vessel subject to this section paragraphs (a), (b), and (c) herein shall meet the following compliance schedule:

(A) Any owner or operator in compliance with this section on the effective date of this regulation shall certify such compliance to the Commissioner no later than 45 days following the effective date of this section.

(B) Any owner or operator who achieves compliance with this section after the effective date of this section shall certify such compliance to the Commissioner within five days of the date compliance is achieved.

(4) Any owner or operator of a source subject to paragraphs (a), (b), and (c) of this section may, not later than 45 days following the effective date of this section, submit to the Commissioner for approval a proposed compliance schedule that demonstrates compliance with the provisions specified in paragraphs (a), (b), and (c) of this section as expeditiously as practicable but no later than June 30, 1974. The compliance schedule shall provide for increments of progress toward compliance. The dates for achievement of such increments of progress shall be specified. Increments of progress shall include, but not be limited to:

(A) Submittal of final control plan to the Commissioner;

(B) Letting of necessary contracts for construction process of changes or issuance of orders for the purchase of component parts to accomplish emission control or process modification;

(C) Initiation of on-site construction or installation of emission control equipment or process modification;

(D) Final compliance.

(5) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within five days after deadline for each increment of progress certify to the Commissioner whether or not the required increment of the approved compliance schedule has been met.

(d) Control of Evaporative Losses from the Filling of Vehicular Tanks:

(1) No person shall transfer gasoline to an automotive fuel tank from gasoline dispensing systems unless the transfer is made through a fill nozzle designed to:

(A) Prevent discharge of hydrocarbon vapors to the atmosphere from either the vehicle filler neck or dispensing nozzle.

- (B) Direct vapor displaced from the automotive fuel tank to a system wherein at least 90 percent by weight of the organic compounds in displaced vapors are recovered.
 - (C) Prevent automotive fuel tank overfills or spillage on fill nozzle disconnect.
- (2) The system referred to in paragraph (d) (1) of this section may consist of a vapor-tight return line from the fill nozzle filler neck interface to the dispensing tank or to an adsorption, absorption, incineration, refrigeration-condensation system or its equivalent.
 - (3) Components of the systems required by paragraph (c) of this section can be used for compliance with paragraph (d) (1) of this section.
 - (4) If it is demonstrated to the satisfaction of the Commissioner that it is impractical to comply with the provisions of paragraph (d) (1) of this section as a result of vehicle fill neck configuration, location, or other design features of a class of vehicles, the provisions of this section shall not apply to such vehicles. However, in no case shall such configuration exempt any gasoline dispensing facility from installing and using in the most effective manner a system required by paragraph (d) (1) of this section.
 - (5) Every owner or operator of a gasoline dispensing system subject to this section shall comply with the following compliance schedule:
 - (A) June 1, 1974 - Submit to the Commissioner a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the provisions of paragraph (d) (1) of this section.
 - (B) November 1, 1974 - Negotiate and sign all necessary contracts for emission control systems, or issue orders for the purchase of component parts to accomplish emission control.
 - (C) January 1, 1975 - Initiate on-site construction or installation of emission control equipment.
 - (D) May 1, 1977 - Complete on-site construction or installation of emission control equipment or process modification.
 - (E) May 31, 1977 - Assure final compliance with the provisions of paragraph (d) (1) of this section.

(F) Any owner or operator of sources subject to the compliance schedule in this paragraph shall certify to the Commissioner within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(6) Paragraph (d)(5) of this section shall not apply:

(A) To a source which is presently in compliance with paragraph (d) (1) of this section and which has certified such compliance to the Commissioner by June 1, 1974. The Commissioner may request whatever information he considers necessary for proper certification.

(B) To a source whose owner or operator submits to the Commissioner by June 1, 1974, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1977. If promulgated by the Commissioner such schedule shall satisfy the requirements of this paragraph for the affected source.

(e) Dry Cleaning Operation:

- (1) No person shall operate a dry cleaning operation using other than perchloroethylene, 1, 1, 1-trichloroethane, or saturated halogenated hydrocarbons unless the uncontrolled organic emissions from such operation are reduced at least 85 percent; provided that dry cleaning operations emitting less than three pounds per hour and less than 15 pounds per day of uncontrolled organic materials are exempt from the requirement of this section.
- (2) If incineration is used as a control technique, 90 percent or more of the carbon in the organic emissions being incinerated must be oxidized to carbon dioxide.
- (3) Any owner or operator of a source subject to this section shall achieve compliance with the requirements of paragraph (1) (1) of this section by discontinuing the use of photochemically reactive solvents no later than April 1, 1974, or by controlling emissions as required by paragraphs (1) and (2) of this section no later than May 31, 1975.

(f) Organic Solvents:

- (1) No person shall discharge into the atmosphere more than 15 pounds of photochemically reactive solvents in any

one day, nor more than 3 pounds in any one hour, from any article, machine, equipment or other contrivance, unless the uncontrolled organic emissions are reduced by at least 85 percent.

- (2) No person shall discharge into the atmosphere more than 40 pounds of non-photochemically reactive solvents in any one day, nor more than 8 pounds in any one hour, from any article, machine, equipment or other contrivance, unless the uncontrolled organic emissions are reduced by at least 85 percent. Dry cleaning operations are exempt from the requirements of this paragraph.
- (g) Pumps and Compressors. All pumps and compressors handling volatile organic compounds shall have mechanical seals or other equivalent equipment approved by the Commissioner.
- (h) Waste Gas Disposal from Ethylene Producing Plant. No person shall cause, suffer, or allow the emission of a waste gas stream from any ethylene producing plant, or source utilizing ethylene as a raw material, into the atmosphere in excess of 20 pounds per 24-hour period, unless the waste gas stream is properly burned at 1,300° Fahrenheit for 0.3 of a second or longer in a direct-flame after-burner, or is removed by a method of comparable efficiency approved by the Commissioner.
- (i) Waste Gas Disposal from Vapor Blow-Down System. No person shall emit hydrocarbon gases into the atmosphere from a vapor blow-down system, unless these gases are burned by smokeless flares, or an equally effective control device approved by the Commissioner, but this subsection shall not apply to accidental or emergency emissions of hydrocarbons needed for safe operation of equipment and processes.

Section 8-2:708. FUEL BURNING PARTICULATE EMISSION.

- (a) No person shall cause, suffer, or permit the emission of particulate matter from any fuel-burning equipment in excess of the rate determined by the formula:

"E = $0.17455 H^{-0.23522}$, where:

"E = Allowable emissions in pounds per million BTU of heat input, and
"H = Heat input to the fuel-burning equipment in millions of BTU's per hour;

Provided, that (1) Nothing herein shall be construed to allow the emission of particulate matter from any fuel-burning equipment in excess of the rate of 0.13 pounds per million BTU of heat input; and that (2) Nothing herein shall be construed to require the emission of particulate matter from any fuel-burning equipment to be lower than the rate of 0.02 pounds per million BTU of heat input.

- (b) Compliance with or violation of subsection (a) of this section shall be determined by performance tests conducted when the fuel-burning equipment (hereinafter referred to as "equipment") is operating under conditions encountered in normal operation that create the worst emissions in relation to allowable emissions. Tests shall be conducted at the maximum continuous operating capacity of the equipment unless the Mayor of the District of Columbia has reason to believe that the worst emissions in relation to allowable emissions occur under other conditions. For equipment equipped for blowing of soot, the frequency of soot blowing during performance tests must be proportioned to the frequency of soot blowing during the conditions at which the equipment is tested. Equipment operation during periods of hot or cold start-up, shutdown and malfunction shall not constitute normal operating conditions for performance tests. Equipment may not be specially tuned or optimized immediately before performance testing unless the owner or operator of the equipment represents in writing to the Mayor that the equipment will be maintained in such an optimized condition subsequent to performance testing. The above conditions for testing may be modified by the Mayor to suit specific sampling conditions or needs based on good practice, judgment and experience: PROVIDED, that no such modification shall have the effect of increasing the stringency of the standard.
- (c) When determining compliance with or violation of subsection (a) of this section by performance tests, test results shall be calculated using the method described in section 60.45(f)(5) of Title 40 of the Code of Federal Regulations, revised as of July 1, 1976.
- (d) No person shall cause, suffer or allow the blowing of soot from any fuel-burning equipment fired by solid fuels except during the hours of 10 A.M. to 4 P.M.: Provided, that the Mayor may allow the blowing of soot during other periods upon a finding that such blowing of soot is desirable for the efficient operation of the fuel-burning equipment or for the safety of personnel or equipment.

Section 8-2:709. INCINERATORS

- (a) Single Chamber and Flue-Fed Incinerators. The use of single chamber and flue-fed incinerators is prohibited. No person shall be permitted to use an incinerator unless it is of multiple chamber design, and otherwise in compliance with this regulation.

- (b) Incinerators Built Before Prohibition is Effective. No person shall commence operation of any new incinerator after enactment of this regulation which emits more than 0.03 grains of particulate matter per standard dry cubic foot of exhaust gas (maximum two-hour average) corrected to 12% carbon dioxide.
- (c) Existing Incinerators. After July 4, 1973, no person shall continue use of any incinerator which is in existence at the time of enactment of these regulations which incinerator is of more than 400 pounds per hour capacity, or which emits more than 0.08 grains of particulate matter per standard dry cubic foot of exhaust gas (maximum two-hour average) corrected to 12% carbon dioxide.
- (d) New Incinerators Prohibited. After July 4, 1975, no new incinerator shall commence operation except where the Commissioner shall find that any other system of waste disposal would endanger the public health.
- (e) District Owned Incinerator. The District facility known as Solid Waste Reduction Center No. 1 shall be operated so as not to discharge into the atmosphere particulate matter which is in excess of .08 grains of particulate matter per standard dry cubic foot of exhaust gas (maximum two-hour average) corrected to 12% carbon dioxide.
- (f) Hours of Operation. No person shall operate or cause or permit the operation of any incinerator at any time other than between the hours of 10:00 a.m. and 4:00 p.m. This restriction shall not apply to incinerators having a refuse-burning capacity of five (5) tons per hour or more.

Section 8-2:710. PROCESS EMISSIONS.

- (a) Particulates. No person shall cause, suffer, or allow discharge of particulate matter into the atmosphere from any process which exceeds the emission limits set forth in the table contained hereinafter as Appendix No. 2. On and after July 1, 1972, such allowable limits shall not exceed 0.03 grains per standard dry cubic foot of exhaust gas. Where the process or the design of equipment is such as to permit more than one interpretation of this section, the interpretation that results in the minimum value of allowable emissions shall apply. Adding diluted air to the exhaust gas stream for the purpose of complying with the provisions of this subsection is prohibited.
- (b) Sulfur Oxides. No person shall cause, suffer or allow discharges into the atmosphere of sulfur oxides calculated as sulfur dioxide, in excess of 0.05% by volume.

Section 8-2:711. OPEN BURNING.

- (a) Prohibition of Open Burning. Except as otherwise provided by subsection (b), no person shall ignite, cause to be ignited, permit to be ignited, or maintain, any open fire.
- (b) Exceptions. Open fires may be permitted for one or more of the following reasons or purposes:
 - (1) The performance of an official duty by any public health or public safety officer, after notification to the Commissioner;
 - (2) Prevention of a fire hazard which cannot be abated by other means;
 - (3) Instruction of public fire fighters under the supervision of a designated fire marshal;
 - (4) Recreational purposes, including the cooking of food for human consumption on other than commercial premises; or
 - (5) Providing warmth for construction or other workers by use of Salamander heaters or other heating devices approved by the Commissioner.

Section 8-2:712. CONTROL OF FUGITIVE DUST.

No person shall cause, suffer, allow, or permit any materials to be handled, transported, or stored; or a building its appurtenances, or a road, to be used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions shall include, but are not limited to, the following:

- (a) Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
- (b) Application of asphalt, oil, water, or suitable chemicals on dirt roads, materials, stockpiles, or other surfaces which can create airborne dusts;
- (c) Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials, and employment of adequate containment methods during sandblasting or similar operations;
- (d) Covering, at all times when in motion, the contents of open bodied trucks transporting materials likely to become airborne;

- (e) Paving of roadways and their maintenance in a clean condition; and,
- (f) Prompt removal of earth or other material from a paved street, where the earth or other material has been transported thereto or accidentally deposited by trucking or earth moving equipment or erosion by water.

Section 8-2:713. VISIBLE EMISSIONS

- (a) Except as otherwise provided in these regulations, no person shall cause, suffer or allow visible emissions to be emitted into the outdoor atmosphere from stationary sources (excluding fuel-burning equipment placed in initial operation before January 1, 1977): Provided, That discharges not exceeding 40% opacity (unaveraged) shall be permitted for 2 minutes in any 60 minute period and for an aggregate of 12 minutes in any 24 hour period during start-up, cleaning, soot blowing, adjustment of combustion controls, and/or malfunction of equipment.
- (b) Except as otherwise provided in these regulations, no person shall cause, suffer or allow to be emitted into the outdoor atmosphere, from any fuel-burning equipment placed in initial operation before January 1, 1977, visible emissions whose opacity is in excess of 10% (unaveraged), at any time: EXCEPT, That:
 - (i) opacity not in excess of 40% (unaveraged) shall be permitted for 2 minutes in any 60 minute period and for an aggregate of 12 minutes in any 24 hour period other than during start-up of equipment;
 - (ii) during start-up of equipment, opacity not in excess of 40% (averaged over 6 minutes) shall be permitted for an aggregate of 5 times per start-up; and
 - (iii) in addition to the emissions permitted under paragraph (i) above, during shutdown of equipment, opacity not in excess of 15% (unaveraged) shall be allowed and in addition, opacity not in excess of 30% (averaged over 3 minutes) shall be permitted for an aggregate of 3 times per shutdown.
- (c) At all times, including periods of start-up and malfunction, owners and operators of stationary sources and fuel-burning equipment shall, to the extent practicable, maintain and operate stationary sources and fuel-burning equipment, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions. Violation of standards set forth in this section, as a result of unavoidable malfunction, despite the conscientious employment of such control practices, shall constitute an affirmative defense on which the discharger shall bear the burden of proof. Periods of malfunction shall cease to be unavoidable malfunctions if reasonable steps are not taken to eliminate the malfunction within a reasonable time.

- (d) Owners and operators of stationary sources and fuel-burning equipment shall ensure that persons actually participating in the maintenance and operation of such sources and equipment are adequately trained and supervised so as to minimize the production of emissions during such operation.
- (e) Where the presence of uncombined water is the only reason for failure of an emission to meet the requirements of this section, this section shall not be applicable. The provisions of this section shall not apply to visible emissions from interior fire places, or from sources set forth in Section 8-2:711(b), or when steam is used to blow oil from a burner as the last phase of shutting down the burner.
- (f) Whoever shall violate any provision of this section shall suffer the criminal sanctions prescribed in Section 8-2:726 of these regulations: Provided, That where the violation is shown by the discharger to be the result of simple negligence, no criminal sanction other than a fine not to exceed \$1,000 and not less than \$100 shall be imposed. In the event of any violation of, or failure to comply with, this regulation, each day of such violation or failure, shall constitute a separate offense and the penalties described herein shall be applicable to each separate offense. As used in this section, simple negligence does not include:
 - (i) willful and wanton actions leading to violations of the requirements of this section;
 - (ii) an extreme want of care and regard or an indifference for the duty to comply with the requirements of this section.

Section 8-2:714. EXHAUST EMISSIONS.

- (a) Gasoline Powered Motor Vehicles. No person shall cause, suffer, or allow visible smoke emissions from the engines or exhaust systems of gasoline powered motor vehicles.
- (b) Diesel Powered Motor Vehicles. No person shall cause, suffer, or allow visible smoke emissions from the engines or exhaust systems of diesel powered motor vehicles, except that emissions of 20% equivalent opacity shall be permitted not more than 5 consecutive seconds.

(c) Engine Idling. No person, nor his servants or agents, shall cause, suffer, permit or allow the engine of a gasoline, or diesel powered motor vehicle including private passenger vehicles, on public or private space to idle for more than 3 minutes while such motor vehicle is parked, stopped or standing, except as follows:

- (1) To permit the operation of power takeoff equipment such as, but not limited to dumping, cement mixers, refrigeration systems, content, delivery, winches or shredders.
- (2) To permit the operation for 15 minutes of air conditioning equipment on buses with an occupancy of 12 or more persons.
- (3) To permit the operation of heating equipment when the local temperature is 32° Fahrenheit or below.

(d) Lead Content Reduction. After July 4, 1974, all gasoline service stations shall offer for sale at least one grade of regular gasoline which contains no more than .03 gram of lead per gallon.

After January 1, 1974 no gasoline containing more than 2.0 grams of lead per gallon shall be sold. After January 1, 1976 no gasoline containing more than 1.0 grams of lead per gallon shall be sold.

Section 8-2:715. ODOROUS OR OTHER AIR POLLUTANTS.

- (a) Injurious Pollutants. No person shall cause, suffer, or allow an emission into the atmosphere of odorous or other air pollutants from any source in such quantities and of such characteristics and duration as is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life and property.
- (b) Odor Violations. The emission of an odor shall be deemed a violation when after separate complaints of 3 or more persons:
 - (1) The Commissioner using the Barnebey-Cheney Scentometer at Number 1 odor strength detects an odor; or
 - (2) The Commissioner using any other device approved by him as an effective instrument in the detection of odors, records an odor.

Section 8-2:716. CONTROL DEVICES AND PRACTICES.

- (a) Motor Vehicles. No person shall remove or cause, or permit to become inoperative or ineffective devices installed by motor vehicle manufacturers for the purpose of controlling emissions or otherwise complying with law.
- (b) Stationary Sources. No person shall remove, or cause, or permit to become inoperative or ineffective devices or practices provided for the control of air pollutants discharged from stationary sources, or otherwise complying with law.
 - (1) Shutdown of Stationary Source Control Equipment. Whenever it is necessary to shut down air pollution control equipment for periodic maintenance, the owner or operator of such equipment shall report the planned shutdown to the Commissioner at least 48 hours prior thereto. Such prior notice shall include, but is not limited to, the following:
 - A. Identification of the specific facility to be taken out of service as well as its location and permit number;
 - B. The expected length of time that the air pollution control equipment will be out of service;
 - C. The nature and quantity of emissions of air pollutants likely to occur during the shutdown period;

- D. Measures that will be taken to minimize the length of the shutdown period; and
 - E. The reasons that it would be impossible or impractical to shut down the source operation during the maintenance period.
- (2) Notification by Commissioner. The Commissioner shall by notice to the owner or operator permit the continued operation of the stationary source for the time period proposed, or for such lesser time as he deems reasonable, or he may order the owner or operator to discontinue operation of the stationary source until the maintenance is completed, or the malfunctioning equipment is repaired.

Section 8-2:717. RECORDS, REPORTS, AND MONITORING DEVICES.

- (a) Reporting of Information Upon Request of Commissioner. The Commissioner may require any person engaged in operations which may result in air pollution or the handling of products the use of which may result in air pollution to file with the Commissioner written reports containing information as to:
- (1) Location and description of source;
 - (2) The chemical composition, physical properties, and the amount of any material used; and
 - (3) Such other information as the Commissioner shall require for the enforcement of this regulation.
- (b) Required Records and Periodic Reports. The owner or operator of a stationary source which emits 25 tons or more per year of any air pollutant shall maintain written records of the nature and amount of emissions of such source. Such records shall include, (1) emission data derived from stationary source monitoring and measuring devices required by subsection (c) of this section, and (2) the results of sampling of emissions, showing sampling methods and procedures used. Such records shall be made available to the Commissioner during regular business hours.
- (c) Monitoring Devices. The Commissioner shall require the owner or operator of a stationary source which emits more than 100 tons per year of any air pollutant to install, maintain, and operate, at the expense of said owner or operator, such stationary source monitoring devices as may be necessary to enable such owner or operator and the Commissioner to determine whether the source is being, or will be operated in compliance with all applicable air pollution standards, regulations, and laws. Monitoring information shall be supplied as the Commissioner may require in accordance with subsection (a) of this section.

- (d) Prohibited Devices. No person shall install or use any article, machine, equipment, device, or other contrivance which conceals an emission from any source.

Section 8-2:718. SAMPLING, TESTS, AND MEASUREMENTS.

(a) General.

- (1) The Mayor may conduct or cause to be conducted, or require an owner or operator to conduct, tests of emission of air pollutants from any source. Upon request by the Mayor, the person responsible for the source to be tested shall provide necessary holes in stacks or ducts and such other safe and proper sampling and testing facilities as may be necessary for proper determination of the emission of air pollutants. The Mayor may take or cause to be taken samples of fuel by any appropriate means in such quantities as he feels are necessary. The Mayor shall not require an owner or operator to conduct tests with unreasonable frequency.
- (2) Notwithstanding any other provision to the contrary in these regulations, the Mayor may require, or approve modifications to testing and measurement procedures and methods, calculation methods and performance specifications specified in these regulations, to take into account:
 - (A) specific conditions at the site or location;
 - (B) latest available techniques;
 - (C) good practices;
 - (D) equivalency of the modified technique with the specified technique, in terms of results;
 - (E) simplicity of the modified technique in terms of adequacy of the results in determining compliance or violation; and
 - (F) other relevant factors.
- (3) The Mayor may require the submission of reports on tests and may require that the reports:
 - (A) be reasonably comprehensive;
 - (B) contain all raw data obtained during the tests, including data on calibration of equipment;

- (C) contain reasonable data on various parameters, both design and operating, of the source and associated equipment;
 - (D) contain reasonable data on the quantities and properties of fuel and/or raw materials consumed;
 - (E) contain results of the tests in terms that can be compared directly to emission and other appropriate limitations in these regulations.
- (b) Test for emissions. Tests for particulate matter emissions, nitrogen oxide emissions, and sulfur oxide emissions shall be undertaken in accordance with the appropriate methods in Appendix A to Part 60 of Title 40 of the Code of Federal Regulations, revised as of July 1, 1976.
- (c) Sulfur. Tests for the sulfur content of fuels shall be undertaken in accordance with the methods specified in Section 60.45(f)(5) of Title 40 of the Code of Federal Regulations, revised as of July 1, 1976.
- (d) Measurement of visible emissions.
- (1) Visible emissions may be read by a qualified observer without the aid of any devices, by an observer with the aid of hand-held charts prepared on the principle of the Ringelmann Smoke Chart, or by other reasonable devices.
 - (2) An observer may become qualified to take visible emission readings without the aid of any devices by being certified in accordance with appropriate provisions of item 3 Qualifications and Testing of Method 9, Appendix A to Part 60 of Title 40 of the Code of Federal Regulations, revised as of July 1, 1976: EXCEPT, That certification shall be valid for a period of one year. Qualified observers shall take readings in accordance with the appropriate provisions of items 2.1 Position, and 2.3 Observations, of Method 9 referred to above. Readings by the qualified observer shall be taken momentarily at approximate intervals of 15 seconds and shall be recorded to the nearest 5% opacity; each momentary observation recorded shall be deemed to represent the opacity of the emissions during the 15 second interval.
 - (3) Continuous monitoring and recording equipment for visible emissions shall meet the performance specifications in the appropriate provisions of Performance Specification 1 in Appendix B to Part 60 of Title 40 of the Code of Federal Regulations, revised as of July 1, 1976, and shall be installed, calibrated, operated and maintained in accordance with the appropriate provisions of items 3.4 Cycling Times, 3.5

Monitor Location, 3.7 Zero and Drift, and 3.8 Span, in Appendix P to Part 51 of Title 40 of the Code of Federal Regulations, revised as of July 1, 1976.

(e) Odor.

- (1) Odor measurements shall be made with a scentometer, such as that manufactured by the Barnebey-Cheney Company, or by any device approved by the Commissioner as an effective instrument in the detection of odor.
- (2) The odor strength as detected by the Barnebey-Cheney Scentometer is that number corresponding to the maximum dilution when an odor is perceived on the following basis:

<u>Number</u>	<u>Odor-Bearing Air</u>		<u>Odor-Free Air</u>
1	1 part	to	1 part
2	1 part	to	2 parts
3	1 part	to	8 parts
4	1 part	to	32 parts
5	1 part	to	128 parts

- (f) Availability of Publications. The publications cited in this section shall be kept on file at the office of the Director of the Department of Environmental Services and shall be available for public inspection.

Section 8-2:720. PERMITS TO CONSTRUCT OR MODIFY: PERMITS TO OPERATE.

- (a) Permit to Construct New Source or Modify Existing Source. No person shall construct a stationary source or install a control device on a stationary source constructed after the effective date of this regulation or modify an existing stationary source without first obtaining a permit.
- (b) Plan to Modify Existing Source. When the emission from a stationary source in existence on or before the effective date of this regulation exceeds maximum allowable standards as prescribed in this regulation, or interferes with the attainment or maintenance of Air Quality Standard of the District of Columbia, the owner or operator of such source shall, within six months after the effective date of this regulation, file a written plan for approval of the Commissioner for the reduction of such emissions to comply with such standards of the maximum allowable emissions, and with the Air Quality Standard of the District of Columbia. Such plans shall include a time schedule for the accomplishment of such reduction but in no case shall such schedule extend beyond May 31, 1975, or beyond the date specified for attainment of any national ambient air quality standard. Any compliance schedule extending beyond 18 months from the date of adoption of the schedule shall provide for periodic increments of progress.
- (c) Permit to Operate. On and after February 1, 1973, no person shall own or operate any stationary source without a valid permit to operate such source.
- (d) Monitoring Device Required. No permit for construction, modification, or operation of any stationary source which emits more than 100 tons of any pollutant in a year shall be issued unless the owner or operator thereof demonstrates to the satisfaction of the Commissioner that a stationary source monitoring device has been, or will be installed.
- (e) Contents of Permit Application. Applications for permits shall be filed with the Commissioner on a form prescribed by the Commissioner and shall contain such information as he may require. The application shall be accompanied by plans, specifications, and other

pertinent data, sufficient in scope to allow the Commissioner to determine the amount of air pollutants which may be omitted from the source. The Commissioner may, at any time after the filing of the original application, and before the expiration of the permit, require further statements in order to determine whether the application should be granted or denied, or whether a permit should be modified or revoked. Each application shall be signed by the applicant or permittee or a person duly authorized to act for and on his behalf. In the application, the applicant may incorporate by reference information contained in previous applications, statements, or reports filed with the Commissioner, provided such references are clear and specific. *sub*

Application shall be accompanied by a fee to be determined by the Commissioner.

- (f) Duration of Operating Permits. Permits shall be valid for such period of time up to 3 years as the Commissioner may designate. A permit issued for a period of less than one (1) year shall be designated as a temporary permit.
- (g) General Requirements for the Issuance of a Permit. A permit application will be approved if the Commissioner determines that:
 - (1) The applicant's proposed equipment, facilities, and procedures are adequate to minimize danger to public health and welfare;
 - (2) The issuance of the permit will not be inimical to the health and welfare of the public;
 - (3) The applicant has satisfied the applicable requirements for the permit requested pursuant to this regulation; and
 - (4) The operation of the source shall not prevent or interfere with the attainment or maintenance of any applicable local or national ambient air quality standard, nor shall the operation violate any provision of this regulation unless exempt by the regulation or by proper variance. *sub*
- (h) Responsibility for Filing Applications for Permits. Each owner or operator of a stationary source or source for which a permit is required must timely file with the Commissioner the appropriate application.
- (i) Modification, Revocation, and Termination of Permits.
 - (1) The terms and conditions of all permits shall be subject to amendment, revision, or modification, and the permit may be suspended or revoked by reason of amendments to this regulation, or by requirements and orders issued by the Commissioner.

- (2) Any permit may be revoked, suspended, or modified, in whole or in part, for any false statement in the application, or any false statement of fact required under this regulation, or because of conditions revealed by such application, or statement of fact, or any report, record, or inspection, or other means which would warrant refusal by the Commissioner to grant a permit on an original application, or for violation of, or failure to observe any of the terms and conditions of the permit, or of this regulation, or order of the Commissioner.
- (3) Except in cases of willfulness or those in which the public health or welfare requires otherwise, no permit shall be modified, suspended, or revoked unless, prior to the institution of proceedings therefor, facts or conduct which may warrant such action shall have been called to the attention of the permittee in writing, and the permittee shall have been accorded an opportunity to demonstrate or achieve compliance with all lawful requirements.
- (4) The Commissioner may terminate a permit upon the written request of the permittee.
- (5) A permit to construct or modify shall be valid only if used within one year from the date of issue.
- (j) Exemptions. No permit shall be required for any fuel-burning equipment which has a capacity of 5 million or less BTUs per hour of heat input and which uses for fuel only gaseous fuels or distillate oils.

Section 8-2:721. COMPLAINTS AND INVESTIGATIONS.

- (a) Complaints. Any person may complain to the Commissioner about air pollution conditions, violations of the Act, or violations of rules, regulations, orders, or determinations of the Commissioner. The complaint shall provide the following information:
 - (1) The location, or source of the condition, or alleged violation;
 - (2) The name and address of the party controlling the location or source, if known; and
 - (3) The factual basis for the complaint.
- (b) Investigations. The Commissioner shall be responsible for investigation of such complaints.

Section 8-2:722. INSPECTION.

The Commissioner is authorized to make such inspections of premises and records of operation as may be necessary for the enforcement of the Act and this regulation.

Section 8-2:723. ORDERS FOR COMPLIANCE.

Whenever the Commissioner has reason to believe that a violation of the Act or this regulation or rules made pursuant to either has occurred, he shall cause written notice to be served upon the alleged violator. The notice shall specify the provision of the law, regulation or rule alleged to be violated, the facts alleged to constitute a violation thereof, and shall order that necessary corrective action be taken within a reasonable time. Nothing in this section shall be construed to prevent the Commissioner from initiating appropriate action for the recovery of a penalty pursuant to Section 8-2:726, or from seeking enforcement of this regulation by injunctive relief or other appropriate remedy.

Section 8-2:724. VARIANCES.

(a) General Conditions.

- (1) Any person required to perform an act by this regulation may be excused by the Commissioner from the performance of such act, either in whole or in part, upon a finding by the Commissioner that the full performance of such act would result in exceptional or undue hardship by reason of excessive structural or mechanical difficulty, or the impracticability of bringing such activity into full compliance with the requirements of this regulation: Provided, That a variance may be granted only where, and to the extent necessary to ameliorate such exceptional or undue hardship, and only when compensating factors are present which are adequate protection to the public health or welfare, and assure that the intent and purpose of the act, and this regulation, are not impaired. Such person shall submit a written request for a variance setting forth the nature of the act required to be performed, the exceptional or undue hardship which would result from its performance, and any variance from the terms of the notice and requirements of this regulation which he may seek. Such request for a variance shall be filed with the Commissioner within the period specified in the order for compliance.
- (2) A variance is hereby granted for the operation of diesel locomotives on common carrier railroads in the District of Columbia.
- (b) Publication in the D.C. Register. All requests for variances shall be published in the District of Columbia Register, at the expense of the applicant, if over \$5, at least 30 days before the Commissioner rules on the request. The published notice shall briefly set forth the information contained in the applicant's written request. Any person may submit comments on the application within 30 days of the published notice.
- (c) Commissioner to Maintain Written Record of Action on Requests. The Commissioner shall maintain a written record of all variances granted and denied. The record shall include all bases for the grant or denial, and shall be available for public inspection.
- (d) Length of Variance. No variance shall be granted for more than one year, and may be renewable annually if the Commissioner finds that the intent and purpose of the Act and this regulation are not impaired. No renewal shall be granted except on application therefor. Any such application shall be made at least sixty (60) days prior to the expiration of the variance. The requirements of subsection (b) shall apply in cases of renewal.
- (e) Operation While Variance Request Pending. Nothing in this section shall be construed to permit any operation in violation of this regulation during the pendency of a request for a variance.

- (f) Operation During Emergency. Nothing in this section, and no variance or renewal granted pursuant heretofore, shall be construed to prevent or limit the application of the emergency provisions and procedures of Section 8-2:719 of this regulation to any person or his property.

Section 8-2:725. HEARINGS.

- (a) Right to Hearing. Except as otherwise provided in this regulation, any person aggrieved by any adverse action of the Commissioner may have review thereof by the Commissioner in accordance with the District of Columbia Administrative Procedure Act. In administration of the hearing the Commissioner may require the production of persons, papers and materials under subpoena as is set forth in D.C. Code Section 1-237.
- (b) Request for Hearing. A request for a hearing to review adverse action proposed by the Commissioner shall be made in writing within 15 days following notification to the aggrieved person of the contemplated action and of his right to a hearing with respect to such action.
- (c) Failure to Request Hearing or Appear at Hearing. Upon failure by an aggrieved person to request a timely hearing, or failure of such party to appear at a scheduled hearing for which no continuance has been or is granted, the Commissioner may without a hearing take the action contemplated in the notice.
- (d) Alternative Remedies. Nothing in this section shall be construed to prevent the Commissioner from initiating appropriate action for the recovery of a penalty pursuant to Section 8-2:726 of this regulation, or from seeking enforcement by injunctive relief or other appropriate remedy during the pendency of a review proceeding.

Section 8-2:726. PENALTY.

- (a) Any person who fails to comply with any provision of this regulation, or who refuses, interferes with, or prevents any inspection authorized by this regulation shall be punished by a fine not to exceed \$5,000 or imprisonment not to exceed 90 days, or both. In the event of any violation of, or failure to comply with, this regulation, each and every day of such violation, or failure, shall constitute a separate offense and the penalties described herein shall be applicable to each such separate offense.
- (b) Any person, other than a District employee who shall furnish material and substantial evidence leading to the payment of a fine or the forfeiture of collateral imposed under this regulation shall be paid subject to appropriation one-half of each such fine or forfeiture unless the Commissioner or a court of competent jurisdiction shall so otherwise direct. This section shall not be so construed as to create any right to the proceeds of any such

fine or forfeiture. No person shall receive more than \$1,000 total in any given 12 months under this subsection.

Section 8-2:727. PUBLIC DISCLOSURE OF RECORDS AND INFORMATION:
CONFIDENTIALITY.

Emission data secured as the result of this regulation, or other provisions of law shall be correlated with applicable emission limitations or other control measures and shall be available for public inspection during regular business hours or by appointment at the offices of the air quality control agency.

Information, other than emission data, which relates to production, sales figures, or processes of any owner or operator, shall not be disclosed publicly upon finding by the Commissioner that to do so will result in a significant and adverse effect upon the competitive position of such owner or operator; except in or following public hearing, or except as may be necessary to protect the public health, safety or well-being. Nothing herein shall be construed to prevent the use of such records or information by the Commissioner in compiling or publishing analyses, or summaries relating to the general condition of the outdoor atmosphere: Provided, That such analyses or summaries do not reveal any information otherwise confidential under the provisions of this section.

Section 8-2:728. AIR POLLUTION MONITORING.

- (a) By February 1, 1973 the Commissioner shall establish a simplified, daily, public reporting index of air pollution levels in the District of Columbia. Such an index shall indicate the levels of pollutant which he determines the public should be informed. Such index shall also include a statement of the air quality levels within approximately a two mile radius from the White House as well as within any other geographic area he may determine should be reported. In adopting an index the Commissioner shall coordinate his efforts as closely as possible with the Metropolitan Washington Council of Governments to insure a uniform regional system of air quality levels reporting.
- (b) By February 1, 1973 the Commissioner shall report to the District of Columbia Council the status of the air quality monitoring system within the District and that system's relationship to such monitoring systems in the region. The report shall indicate the number and location of permanent air quality monitoring stations in the District, the number of average spot checks within a given month, and the types of pollution monitored in each instance. The report shall also state the goals for a District of Columbia air quality monitoring system and the timetable and cost for achieving that goal.

Section 8-2:729. CONSTRUCTION OF REGULATION.

All regulations and parts of regulations in effect in the District which are inconsistent with the provisions of this regulation are hereby superseded with respect to matters covered by this regulation.

Section 8-2:730. INDEPENDENCE OF SECTIONS.

Each section and every part of each section of this part is declared independent of every other section or part thereof, and the finding or holding of any section or part thereof to be void or ineffective for any cause shall not be deemed to affect any other section or part thereof.

Section 8-2:731. EFFECTIVE DATE.

Except as otherwise provided, this regulation shall be effective immediately.

APPENDIX NO. 2
TABLE

<u>Process Weight Per Hour in Pounds</u>	<u>Maximum Weight of Particulate Discharge Per Hour in Pounds</u>	<u>Process Weight Per Hour in Pounds</u>	<u>Maximum Weight of Particulate Discharge Per Hour in Pounds</u>
50	.24	3400	5.44
100	.46	3500	5.52
150	.66	3600	5.61
200	.85	3700	5.69
250	1.03	3800	5.77
300	1.20	3900	5.85
350	1.35	4000	5.93
400	1.50	4100	6.01
450	1.63	4200	6.08
500	1.77	4300	6.15
550	1.89	4400	6.22
600	2.01	4500	6.30
650	2.12	4600	6.37
700	2.24	4700	6.45
750	2.34	4800	6.52
800	2.43	4900	6.60
850	2.53	5000	6.67
900	2.62	5500	7.03
950	2.72	6000	7.37
1000	2.80	6500	7.71
1100	2.97	7000	8.05
1200	3.12	7500	8.39
1300	3.26	8000	8.71
1400	3.40	8500	9.03
1500	3.54	9000	9.36
1600	3.66	9500	9.67
1700	3.79	10000	10.0
1800	3.91	11000	10.63
1900	4.03	12000	11.28
2000	4.14	13000	11.89
2100	4.24	14000	12.50
2200	4.34	15000	13.13
2300	4.44	16000	13.74
2400	4.55	17000	14.36
2500	4.64	18000	14.97
2600	4.76	19000	15.58
2700	4.84	20000	16.19
2800	4.92	30000	22.22
2900	5.02	40000	28.3
3000	5.10	50000	34.3
3100	5.18	60000	40.0
3200	5.27	or	
3300	5.36	more	

*Where the process weight per hour falls between two values in the table, the maximum weight per hour shall be determined by linear interpolation.

APPENDIX NO. 3

EMISSION LIMITS FOR NITROGEN OXIDE

Emission limits for nitrogen oxide in fossil fuel fired steam generating units of more than 100,000,000 B.T.U. per hour heat input are as follows:

- (a) 0.20 lb. per million B.T.U. heat input (0.36 g. per million cal.), maximum 2-hour average, expressed as NO_2 , when gaseous fossil fuel is burned.
- (b) 0.30 lb. per million B.T.U. heat input (0.54 g. per million cal.), maximum 2-hour average, expressed as NO_2 , when liquid fossil fuel is burned.
- (c) 0.70 lb. per million B.T.U. heat input (1.26 g. per million cal.), maximum 20-hour average, expressed as NO_2 , when solid fossil fuel (except lignite) is burned.
- (d) When different fossil fuels are burned simultaneously in any combination the applicable standard shall be determined by proration, according to the following formula:

$$\frac{x (0.20) + y (0.30) + (0.70)}{x + y + z}$$

x is the percent of total heat input derived from gaseous fossil fuel;

y is the percent of total heat input derived from liquid fossil fuel; and

z is the percent of total heat input derived from solid fossil fuel.